

109TH CONGRESS  
1ST SESSION

# H. R. 1174

To improve regional sediment management.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2005

Mr. SHAW (for himself and Mr. PALLONE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To improve regional sediment management.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sand Conservation and  
5 Taxpayer Savings Act of 2005”.

6 **SEC. 2. REGIONAL SEDIMENT MANAGEMENT.**

7 (a) IN GENERAL.—Section 204 of Water Resources  
8 Development Act of 1992 (33 U.S.C. 2326) is amended  
9 to read as follows:

10 “(a) IN GENERAL.—In connection with sediment ob-  
11 tained through the construction, operation, or mainte-  
12 nance of an authorized Federal water resources project,

1 the Secretary, acting through the Chief of Engineers, shall  
2 develop regional sediment management plans and carry  
3 out projects for the protection of property; the protection,  
4 restoration, and creation of aquatic and ecologically re-  
5 lated habitats, including wetlands; and the transport and  
6 placement of suitable sediment at locations identified in  
7 the plan prepared under subsection (b), or identified joint-  
8 ly by the non-Federal interest and the Secretary, for use  
9 in the construction, repair, modification, or rehabilitation  
10 of projects associated with Federal water resources  
11 projects.

12 “(b) SECRETARIAL FINDINGS.—Subject to sub-  
13 section (c), projects undertaken under subsection (a) may  
14 be undertaken in any case in which the Secretary finds  
15 that—

16 “(1) the environmental, economic, and social  
17 benefits of the project, both monetary and nonmone-  
18 tary, justify the cost thereof; and

19 “(2) the project would not result in environ-  
20 mental degradation.

21 “(c) DETERMINATION OF PLANNING AND PROJECT  
22 COSTS.—

23 “(1) In consultation and cooperation with the  
24 appropriate Federal, State, regional and local agen-  
25 cies, the Secretary, acting through the Chief of En-

1       gineers, shall develop at Federal expense plans and  
2       projects for regional management of sediment ob-  
3       tained in conjunction with construction, operation,  
4       and maintenance of Federal water resources  
5       projects.

6               “(2) Costs associated with construction of a  
7       project under this section shall be limited solely to  
8       construction costs which are in excess of those costs  
9       necessary to carry out the dredging for construction,  
10      operation, or maintenance of an authorized Federal  
11      water resources project in the most cost effective  
12      way, consistent with economic, engineering, and en-  
13      vironmental criteria. The determination of any non-  
14      Federal share of the construction cost shall be based  
15      on the cost sharing for the type of Federal water re-  
16      source project involved.

17              “(3) Operation, maintenance, replacement, and  
18      rehabilitation costs associated with a project are a  
19      non-Federal sponsor responsibility.

20              “(d) SELECTION OF SEDIMENT DISPOSAL METHOD  
21      FOR ENVIRONMENTAL PURPOSES.—In developing and  
22      carrying out a Federal water resources project involving  
23      the disposal of material, the Secretary may select, with  
24      the consent of the non-Federal interest, a disposal method  
25      that is not the least-cost option if the Secretary deter-

1 mines that the incremental costs of such disposal method  
2 are reasonable in relation to the environmental benefits,  
3 including the benefits to the aquatic environment to be  
4 derived from the creation of wetlands and control of shore-  
5 line erosion. The Federal share of such incremental costs  
6 shall be determined in accordance with subsection (b) of  
7 this section.

8 “(e) STATE AND REGIONAL PLANS.—The Secretary,  
9 acting through the Chief of Engineers, may—

10 “(1) cooperate with any State in the prepara-  
11 tion of a comprehensive State or regional coastal  
12 sediment management plan within the boundaries of  
13 the State;

14 “(2) encourage State participation in the imple-  
15 mentation of the plan; and

16 “(3) submit to Congress reports and rec-  
17 ommendations with respect to appropriate Federal  
18 participation in carrying out the plan.

19 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
20 is authorized to be appropriated to carry out this section  
21 \$30,000,000 annually, of which up to \$5,000,000 shall be  
22 used for the development of regional sediment manage-  
23 ment plans as provided in subsection (b). Such sums shall  
24 remain available until expended.

1       “(g) NONPROFIT ENTITIES.—Notwithstanding sec-  
2 tion 221 of the Flood Control Act of 1970 (42 U.S.C.  
3 1962d–95b), for any project carried out under this sec-  
4 tion, a non-Federal interest may include a nonprofit enti-  
5 ty, with the consent of the affected local government.”.

6       (b) REPEAL.—Section 145 of the Water Resources  
7 Development Act of 1976 (33 U.S.C. 426j) is repealed.  
8 The Secretary, acting through the Chief of Engineers, is  
9 authorized to complete any project being carried out under  
10 section 145 on the day before the date of enactment of  
11 this Act.

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